CITY OF HAYWARD
AGENDA REPORT

Meeting Date 05/29/03
Agenda Item 1

TO: PLANNING COMMISSION

FROM: Dyana Anderly, AICP, Planning Manager
Andrew Gaber, PE, Development Review Engineer

SUBJECT: Phase II, Grand Terrace, PL 2003-0114 - Pulte Homes Corporation (Applicant); Donald Clemerson (Owner)

a. Use Permit – Request to raze two commercial/industrial structures and construct multi-family residential units within the Central City – Commercial (CC-C) Sub-district.

b. Site Plan Review – Regarding the design of project.

c. Exception – To allow a reduction in the garage width for one of two garage parking spaces.

d. Vesting Tentative Map Tract 7440 – Request to subdivide a 3.58-acre site into 74 lots for the development of 74 townhouses and one parcel for common open space.

The property is located at the eastern terminus of Dean Street, west of the Western Pacific Railroad, north of Jackson Street, and south of D Street. The property lies within the CC-C (Central City-Commercial) Sub-District.

RECOMMENDATION:

That the Planning Commission recommend that the City Council:

1. Find that the project is exempt from environmental review (Section 15332 of the California Environmental Quality Act Guidelines, In-Fill Development Projects);
2. Approve Vesting Tentative Map Tract 7440, Use Permit, Site Plan Review and Exception Applications, subject to the attached findings and conditions of approval.

DISCUSSION:

In 2000, the City Council approved the development of "Grand Terrace" (Phase I) which abuts the northwest portion of subject property. The project was subsequently acquired by Pulte homes and is currently under construction. Some of the homes have been completed and are occupied. Surrounding properties are described below.

North: Across D Street is the 192-unit Pinnacles rental condominium project [CC-C Sub-district]

East: Union Pacific Railroad right-of-way, beyond which are BART tracks, elevated about 8 feet above the property. East of the rail tracks is vacant land where a live-work project (Studio Walk) is under construction [CC-Residential Sub-district]

South: Jackson Street, which is approximately 15 feet below the grade of subject property.

West: A mixture of single-family and multi-family dwellings, including the first phase of Grand Terrace.

The 3.58-acre triangular shaped site is flat, is occupied by two commercial/industrial structures and has a variety of mature trees on the southern end of the property. The northern portion of the site is being used as a staging area for the construction of Grand Terrace Phase I. There is approximately 281 feet of frontage along Jackson Street; however, there is no access to the property from Jackson Street because the street dips below the railroad right-of-way at this point. The longest leg of the triangular shaped parcel is approximately 859.62 feet along the railroad right-of-way. There is also about 43 feet of frontage on "D" Street, but the project cannot be accessed directly from "D" Street due to the difference in grade between the right-of-way and subject property. Grand Terrace Phase I abuts subject property at the northwesterly point where vehicular and pedestrian connections between Grand Terrace Phase I and Grand Terrace Phase II are proposed. Staff had encouraged the applicant to acquire properties along Sutro Street that back onto the project, but the applicant indicates that they were unsuccessful in securing the properties.

Use Permit

A use permit application is required for this project because it is a residential use in the Central City-*Commercial* Sub-district, the purpose of which is to establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Because the property is not accessible from either "D" Street or Jackson Street and one must travel through a residential area via Dean Street to gain access to the site, staff does not believe that the property is attractive for commercial purposes. Staff's supports the use permit because housing on this site would enhance the economic vitality of the downtown area by contributing to its customer base. Other City policies also support housing at the site. The

General Plan map designation reflects High Density Residential and Retail-Office Commercial development for the property. The General Plan encourages both commercial and residential development in the area surrounding the BART station. It also encourages residential development in the downtown area to increase market support for business and to extend the hours of downtown activity. The General Plan also encourages high-density residential development near transit to promote transit usage. The project features a pedestrian access through Grand Terrace Phase I and onto "D" Street to promote the most direct pedestrian route to the Hayward BART station, which is approximately one-third mile to the north. The project density is 20.7 dwelling units per gross acre, which is within the high-density range.

Site Plan Review

Site Plan Review is required to ensure that the project is attractive, takes into account on-site and surrounding structures and uses, and complies with the intent of City development policies and regulations. The various aspects of the project are discussed below.

The project is in keeping with the general design theme of other downtown projects, such as "Grand Terrace Phase I," the "Atherton Place" townhouses, "City Walk" townhouses, and the "Studio Walk" live/work lofts currently under construction. The buildings are three stories high with parking on the ground floor level and two levels of living space above. Although the project is an adjunct to Grand Terrace Phase I, the primary access to Grand Terrace Phase II is via Dean Street and not through Phase I. Where located, the project will not be readily visible from any major street, although it will be visible from BART. The project backs onto a mixture of single- and multi-family homes along Sutro Street; and rear yards, most of which are 15 feet deep, separate the townhouses from abutting properties.

Two private streets provide access to the townhouses, one being an extension of Dean Street and the other running perpendicular to Dean Street. Over half of the units will have private rear yards, and the remaining units have front porches that face group open space areas. A sidewalk runs down the major spine of the project and connects to Grand Terrace Phase I, which is effectively a shortcut to the Hayward BART station. No security gates are proposed, which will help to integrate the project into the neighborhood.

Ten residential buildings contain between two and eleven units each, which is consistent with the massing of Grand Terrace Phase I. There are two basic floor plans: 3 bedrooms, 3 baths over a tandem garage and 2 bedrooms, 2/1/2 baths over a tandem garage. Units are a maximum of 16 feet wide, which is consistent with other downtown townhouses. Units will enjoy either a large porch facing group open space or a private rear yard. The units range in size from 1,179 to 1,332 square feet.

Parking: The parking requirement is 1.5 parking spaces per dwelling unit, or 111 parking spaces. All units have two parking spaces in tandem garages, for a total of 148 covered parking spaces. In addition to covered parking for each unit, 21 open visitor spaces are proposed throughout the

project. Typically, 10 percent of the required number of parking stalls is designated for visitor parking, which in this case would be 11 spaces and 21 are proposed. It should be pointed out, however, that a few parking stalls will be removed from Grand Terrace Phase I in order to create an access point between the two phases of development.

Architecture: The architecture mimics that found in Grand Terrace Phase I and generally found in other downtown townhouse developments. All buildings will be three stories as they appear from both exterior public streets and inward private streets. The buildings area sided with simulated wood shingles and horizontal wood siding. The project is designed to have the units incorporate elements found in the traditional "Craftsman" design. The project design features raised front entry porches with railings and planters and trellises. In addition, the units are articulated and incorporate some pop-out sections and heavy post and beam features to enhance their appearance. Roofing material on the raised pitched roofs is to be composition shingle, however, plans reveal that the roof lines of the proposed buildings for Grand Terrace are not as varied as those in Grand Terrace Phase I, and a condition of approval requires more interest in the roof lines. The fronts and backs of the buildings are well articulated and incorporate a number of design features that help in achieving a pleasing building elevation.

An improvement proposed in this second phase of development is an enhanced landscape area in front of the entries to the dwellings. Also, the ends of the buildings have been enhanced and the larger buildings offset so as to provide a more interesting private street experience.

Usable Open Space: The City's open space requirement in the Downtown area is 100 square feet per dwelling unit, or 7,400 square feet for this project, with at least 30 square feet per dwelling unit (total 2,220 square feet) being reserved for required group open space. The project exceeds this amount and provides generous group open space areas. This requirement is met by approximately 26,883 feet of group open space; private rear yards, most of which are at least 160 square feet; and private decks, which are about 60 square feet each.

Even though the project exceeds the group open space requirements in terms of the area devoted to it, the only amenities indicated for the group open space area is a tot lot and a picnic area. The group open space amenities are also limited in the first phase to a tot lot, picnic tables and a barbeque. Given that the total number of dwelling units (245) between the two phases and that the 800-square-foot "meeting room" envisioned in the first phase was eliminated, staff recommends that a group meeting room be established as part of the second phase that could serve the project as a whole. Staff also recommends that it be located at the north end of the property so as to be readily accessed by all residents. In order to accommodate this room, at least one of the dwelling units in one of the longer buildings would have to be eliminated and the buildings repositioned so as to accommodate the meeting room at the northern end. Although a meeting room could be accommodated within one of the designated group open space areas, these would not be readily accessed by residents of Phase I. A condition of approval proposed by staff requires the meeting room at the north end of the property and elimination of one of the dwelling units, and the applicant has agreed to do so. Staff suggests that the meeting room be at least 1,200 square feet to accommodate groups of homeowners and some of their activities from both phases of the development. Staff also

recommends that the building be enhanced with at least fitness equipment, a storage roof for folding chairs, and a sink and counter.

There are no nearby parks to serve the residents of the project. The nearest park is Memorial Park, which is a half-mile away but requires traversing two major thoroughfares. Cannery Park, about three-quarters of a mile away. Therefore, it is important to provide adequate on-site amenities. Grand Terrace Phase II is not subject to the newly adopted Park In-Lieu fee ordinance requiring $11,395 per dwelling unit because the application for the tentative map was accepted as complete prior to the effective date of the ordinance. Also, because the previous ordinance provided a 50 percent reduction in the Park In-Lieu fee due to the location of the project in the redevelopment area, the required park in-lieu fees for subject project are only $1,500 per single-family (attached) dwelling unit.

Landscaping: Conditions of approval require that the landscaping plan for Grand Terrace Phase II incorporate reflect and complement the basic design scheme of Phase I. Phase II will have less of a narrow alleyway feel because the landscaping will be extended in front of the garages to provide additional space for trees and shrubs to screen utilities.

Vesting Tentative Map

In keeping with the City policy of encouraging the development of ownership-type housing throughout the City, the applicant proposes that the townhouse units be sold. The vesting tentative map indicates that land sales will occur under each townhouse.

The project will be served by a 25-foot-wide private street constructed to public street standards which provides for two travel lanes with no on-street parking. Decorative paving will be used for crosswalks and at the entry circle. A sidewalk, adjacent to, and level with the roadway through the site, will also be constructed from a decorative paving material.

There are water, sewer, and storm drain mains within adjacent streets of adequate capacity to serve the project. Each unit will have individual water meters, and a separate meter will be installed for common landscape areas.

Schools

Hayward Unified School District student generation factors indicate that the proposed project of 74 units would generate a total of 24 new students. The analysis indicates that 16 students would be in the K-6 grades, 3 students in the 7 and 8 grades and 5 students in grades 9 through 12. Schools in the attendance area are Burbank Elementary, Winton Middle and Hayward High School. The developer will be required to pay the statutory per square foot school tax at the time of construction of the new units. This fee is $3.17 per square foot for attached, single-family units, which could approach $290,000.

With the passage of Proposition 1A on November 3, 1998, local governments are prohibited from denying projects based on the adequacy of school facilities and from seeking funds to

mitigate impacts in excess of statutory limits. The applicant has not volunteered to fund schools over the statutory limits.

Parking Exception

The applicant is generally seeking to construct the same building types and associated garages approved under Grand Terrace Phase I, which includes an exception of the Off-Street Parking Regulations. A minimum width of 11 feet is required for a single-car garage, and the garage width of one of two tandem parking spaces is proposed to be 10' 4" wide in one model and 10 feet wide in the other. While staff finds the wider parking garage space to be desirable for ease of vehicle entry, similar requests for narrower garages were approved for the Atherton Place townhouses, the Pinnacles rental condominiums and Grand Terrace Phase I. The applicant is seeking parity for what has recently been approved and found acceptable for projects that were placed in the downtown area and near the BART station. Staff is supportive of this exception in that similar exceptions were granted in very similar situations and the exception would apply to only one of the two parking spaces in each of the units and would not interfere with the car door swing location.

ENVIRONMENTAL REVIEW

As an infill project that is less than 5 acres, the project is exempt from environmental review. However, due to its proximity to the railroad and BART rights-of-way, noise and vibration studies were performed by Illingworth & Rodkin, Inc., as well as by Charles Salter Associates. The studies concluded that a 10-foot-high wall should be constructed along the easterly property line contiguous with the Western Pacific Railroad property and that the windows in the buildings closest to the noise source have minimum "STC" ratings to attenuate noise to acceptable levels.

The occupants of the homes can expect to experience vibration associated with passing trains. The Federal Transportation Authority has established a standard for ground-borne vibration velocity of a maximum of 80 dB for infrequent events (less than 70 train pass-bys per day) and 72 dB for frequent events (greater than 70 train pass-bys per day) to minimize potential vibration impacts. If heavy freight trains were reintroduced to the Western Pacific Railroad adjacent to the project site, vibration levels up to 78 VdB could be experienced, which is within acceptable levels but still noticeable. In addition to structural enhancements to reduce vibration within the structure, the developer will be required to disclose this information to future homebuyers.

The six intersections closest to the project are anticipated to continue to operate at acceptable levels once the project is constructed.

Public Notice

On April 25, 2003, a notice was mailed to property owners and tenants within 300 feet of the project boundaries, to former members of the *Burbank Neighborhood Task Force* and all other known interested parties advising them that the City had received a development application for the site.

On April 26, 2003, a public hearing notice was published in the "Daily Review" and mailed to surrounding property owners/residents and task force members.

Staff received one call from a homeowner on Meek Avenue who objected to the project, indicating that the three-story structures would be out of scale with existing development on adjacent streets. Staff acknowledges that many of the existing nearby structures are one to two stories high but that the long range plans for the area allow up to 50 dwelling units per acre due to its proximity to the downtown and BART. At 20.6 dwelling units per gross acre, the project is not as dense as would be permitted.

CONCLUSION

Staff finds the development of townhouses to be appropriate within subject area of the Central City – Commercial Sub-district, and that the design of the project is consistent, and in some instances superior, to Grand Terrace Phase I. The project complies and exceeds the City requirements for parking and usable open space.

Prepared by:

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Andrew Gaber, PE
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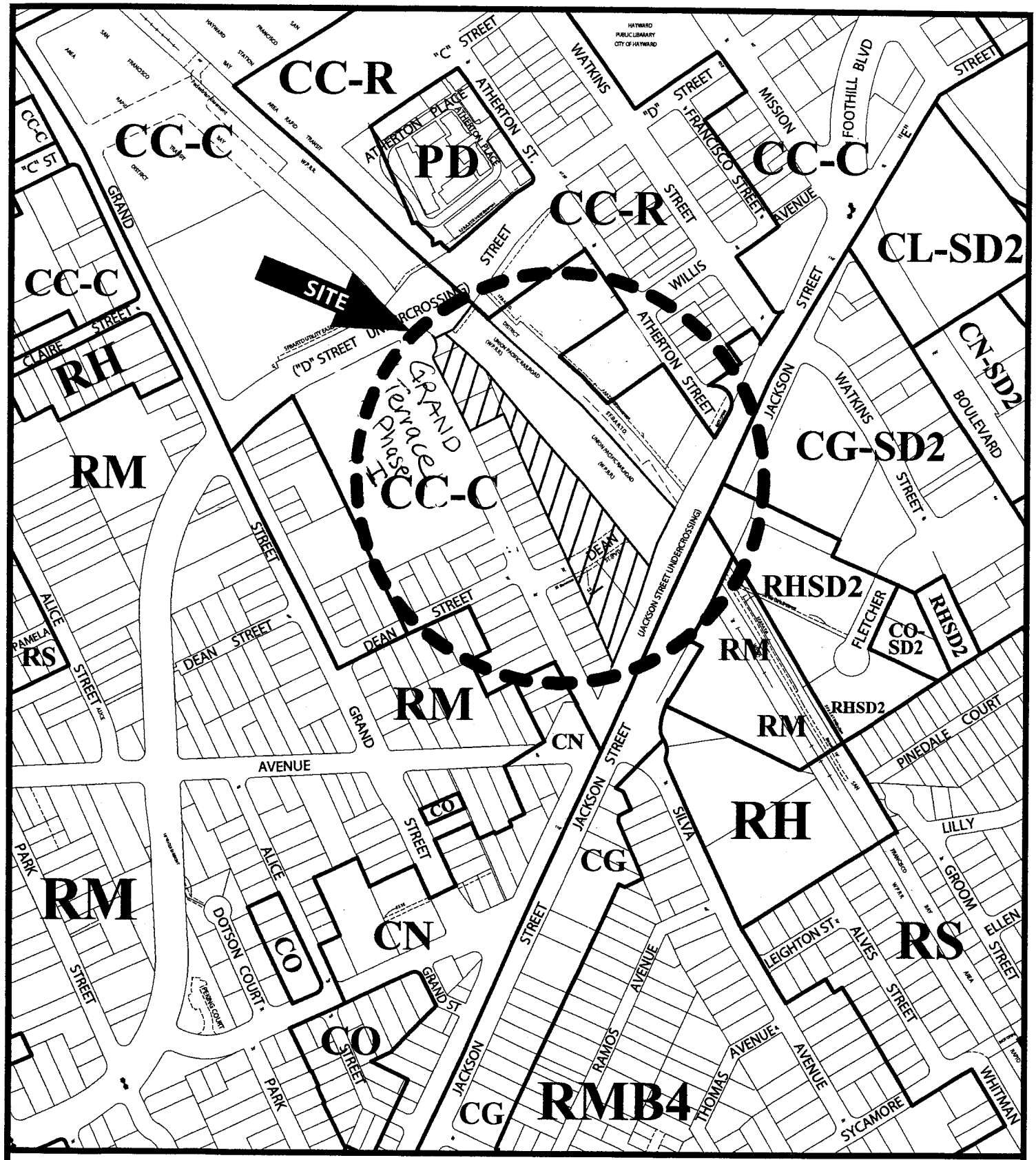
Attachments:

A – Area Map
B – Vesting Tentative Tract Map 7440 Findings For Approval
C – Use Permit, Site Plan Review and Variance Findings For Approval
D - Vesting Tentative Tract Map 7440 Conditions of Approval
E – SPR, UP & Variance Application Conditions of Approval
F – Noise Study/Vibration Study
Vesting Tentative Tract Map
Project Plans



Area & Zoning Map

PL-2003-0114 UP/TTM 7440

Address: Easterly end of Dean Street

Applicant: Dan Carroll

Owner: Donald Clemetson, Frank Fiala & Lawrence Jurich

CC-C-Centrial City-Commercial
CC-R-Centrial City-Residential
CG-General Commercial
CN-Neighborhood Commercial
CO-Commercial Office
PD-Planned Development

RH-High Density Residential-RHB 7
RM-Medium Density-Residential RMB 3.5, RMB 4
RS-Single-Family Residential,RSB4,RSB6
SD-Special Design

North

ATTACHMENT A

FINDINGS FOR APPROVAL
TENTATIVE TRACT MAP 7440

1. The approval of Vesting Tentative Map Tract 7440, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project is Categorically Exempt per Section 15332 of the California Environmental Quality Act (CEQA), In-Fill Development Projects.

2. The vesting tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the City of Hayward Zoning Ordinance.

3. The site is physically suitable for the proposed type of development.

4. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.

6. Existing streets and utilities are adequate to serve the project.

7. None of the findings set forth in Section 64474 of the Subdivision Map Act[1] have been made.

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[1] [1] The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

FINDINGS FOR APPROVAL
Use Permit, Site Plan Review &
Exception 2003-0114

Request to construct 74 multi-family dwelling units within ten 3-story buildings on 3.58 acres.

The property is located at the eastern terminus of Dean Street, between "D" Street and Jackson Street

Use Permit

A. The approval of Use Permit Application No. 2002-0144, an in-fill development on less than 5 acres, is exempt from environmental review in accordance with the California Environmental Quality Act Guidelines, Sec. 15332.

B. The proposed housing development is desirable for the public convenience or welfare in that it provides ownership housing close to the downtown core and the BART station where public transportation is available;

C. The proposed housing development will not impair the character and integrity of the zoning district and surrounding area since the applicant proposes ownership housing with a project design that reflects an architectural style that blends with surrounding residences and elements that are typical to both older or newer housing units in the area;

D. The proposed residential project will not be detrimental to the public health, safety, or general welfare in that the layout of the units are done with ample setback to provide light and air to all dwellings and that the arrangement provides for pedestrian and vehicular access to each unit from the proposed private street; and

E. The proposed use is in harmony with applicable City policies and the intent and purposes of the zoning district involved which encourages residential or commercial development in the area surrounding the BART station and that more intensive residential development in and around the downtown is desirable to support retail uses and cultural activities and to maintain a lively downtown evenings and weekends.

Site Plan Review

F. The development of the site with 74 residential units is compatible with on-site and surrounding structures and uses in that the buildings are arranged with light and air between them and that each unit functions to provide ample ingress and egress and access to the garages and other parking areas and that the development is designed to be an attractive addition to the City in accordance with the City's Design Guidelines;

G. The housing project has been designed to take into consideration the physical and environmental constraints of the property by placement of the units to oriented to the street frontages and along

the railroad tracks and to provide good pedestrian and vehicular circulation through the property;

H. The housing project complies with the intent of City development policies and regulations in that the project meets minimum standards for open space, parking, density, building setbacks, etc. except where garage width

Exception

To allow the garage width of one of two tandem parking spaces in one of the townhouse garages to be 10' – 4" wide and one of two tandem parking stall widths within the garage of a second model to be 10 feet wide where a minimum width of 11 feet is required.

I. There are special circumstances applicable to the property in that the site is large and very irregular in shape and that provision of an internal private street system to serve the row houses requires some flexibility in the layout and that the reduction in setback should be considered minor.

J. There are special circumstances applicable to the property in that the project is on the edge of the downtown core and the project is designed as ownership housing where the City has granted other like projects such as Atherton Place, Pinnacles, and Grand Terrace I to have a garage width less than the required 11 feet and that the proposed variance is very minor in that the departure is for only one of the two spaces within the garage and it does not affect the entry into the vehicle;

K. Strict application of the Zoning Ordinance and Off-Street Parking Regulations would deprive the applicant of the property the same privileges enjoyed by other property in the vicinity under the same zoning classification since exceptions for the width of garages were approved for other downtown housing projects; and

L. The exception does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classifications in which the property is situated since other exceptions for the width of garages were approved for other downtown housing projects.

M. The granting of an exception will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the requirements set forth in this article as nearly as is reasonably possible; and

N. The granting of the exception will not create a safety hazard or any other conditions inconsistent with the purposes of this article.

CONDITIONS OF APPROVAL
VESTING TENTATIVE TRACT MAP 7440
Easterly End of Dean Street

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code - Chapter 10, Article 3, and Standard Specifications and Details - unless otherwise indicated hereinafter.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

PRIOR TO THE RECORDATION OF THE FINAL MAP

IMPROVEMENTS

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

STREETS

Interior Private Streets

1. The private street shall have a 27-foot-wide right-of-way with a 26-foot-wide curb to curb width allowing for two 12-foot-wide travel lanes. Sidewalks shall be installed in locations approved by the City Engineer and the Planning Director.

2. All interior sidewalks shall be a minimum of 4 feet-wide and shall be designed to City of Hayward Standard Detail SD-108. The interior sidewalks shall be constructed with a decorative material that is a contrasting color with the asphalt pavement. The color, pattern and material shall be approved by the Planning Director and City Engineer.

3. The private streets shall be designed to drain towards a valley gutter located in the center of the street. The valley gutter design and street cross-section shall be approved by the City Engineer.

4. The private street curb returns shall have a minimum face-of-curb radius of 20 feet and shall include handicap ramps when adjacent to sidewalks. The street and handicap ramp designs shall be approved by the City Engineer.

5. The subdivision circulation shall be designed to adequately accommodate emergency vehicle access.

6. No parking shall be allowed within the private street right-of-way. "No Parking" signs shall

be installed on both sides of the private street and spaced 150 feet apart.

7. Decorative pavement e.g. interlocking pavers or stamped colored concrete, or bands of decorative paving, etc. shall be installed at the entrance and various locations within the subdivision, as shown on the vesting tentative map. The Planning Director shall approve the material, color and design and the City Engineer shall approve the street section for the decorative paving.

8. The onsite streetlights and pedestrian lighting shall have a decorative design approved by the Planning Director and the City Engineer. The locations of the lights shall be shown on the improvement plans and shall be approved by the City Engineer.

9. Upon any necessary repairs to the facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the homeowners association established to maintain the common areas within the subdivision boundary.

Public Streets

Dean Street

10. Curb, gutter, sidewalk and tie-in paving, to match existing, shall be installed along the Dean Street entrance. The street width shall be 36 feet curb to curb with a 5.5 foot wide planter area and a 4 foot wide sidewalk on the north side of the street. The sidewalk will be meandered around the existing trees at the corner of Sutro Street and Dean Street. The limits of the roadway improvements shall be determined by the City Engineer.

11. Prior to the start of construction, the Developer shall post a deposit with the City sufficient to pay the cost to hire a consultant to evaluate and make recommendations about Sutro Street and Dean Street, and their adequacy to serve the project, both during construction and subsequently. The Developer shall be required to reconstruct pavement areas based on these recommendations.

Storm Drainage

12. The subdivision storm drain system shall be a private system owned and maintained by the homeowners association.

13. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff.

14. Prior to commencement of any clearing and grading or excavation resulting in a land disturbance of one (1) acres or more, the developer shall submit evidence to the City that a notice of Intent (NOI) has been submitted to the State Regional Water Quality Control Board.

15. The project plans shall include storm water pollution prevention and control measures for the operation and maintenance of the project during and after construction for review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. It is highly recommended that a grassy swale be installed to intercept the surface runoff. As an alternative, an inline treatment system may be installed along with the storm drain system, but it must include a provision for oil sorbent material to remove oil and grease from storm water runoff. The developer must provide a signed statement accepting responsibility for maintenance and operation of the system until the improvements are transferred to the Homeowners Association.

16. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.

17. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

18. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.

19. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.

Sanitary Sewer System

20. The sanitary sewer system shall be publicly owned and maintained and designed in accordance with the City of Hayward standard details.

21. Onsite sanitary sewer mains shall be located 6 feet from the face of curb on the opposite side of the street from the water main.

22. Each unit shall have a separate sanitary sewer lateral.

Water System

23. Water service is available subject to standard conditions and fees in effect at the time of application.

24. The proposed water supply system shall be public, designed in accordance with the City of Hayward standard details and shall be looped to Sutro Street and the existing system within Grand Terrace Phase I. The water main within the southerly extension of the private interior street shall be extended to the sidewalk along Jackson Street.

25. Onsite water mains shall be located 5 feet from the face of curb on the opposite side of the street from the sewer main.

26. Water services shall be located 6 feet from sanitary sewer laterals.

27. Each residential unit shall be individually metered. The developer shall install individual radio read water meters.

28. A final statement of water main extension cost shall be submitted to the City of Hayward Utilities Division prior to application for metered water service.

29. The water main extending easterly along the private interior street shall end in a fire hydrant located behind the curb.

Fire Protection

39. Fire Department requirements shall be as follows:

PRE-CONSTRUCTION REQUIREMENTS

a. This site shall undergo a Phase I Environmental Assessment and the report shall be submitted to the Fire Department and Hazardous Materials Division for review and approval.
b. All access roads and fire hydrants shall be installed and operational prior to the start of combustible construction and storage of combustible materials on site.

ACCESS REQUIREMENTS

c. All roads are shown on plans with 26 foot roadway widths. All roads shall be posted as fire lanes and no parking of vehicles shall be allowed on either side. Red-curbing will also be required for all roads. Signs shall be posted to allow towing of illegally parked vehicles to ensure adequate fire truck access.
d. All roads shall be designed and engineered to withstand 50,000 lbs. GVW of fire apparatus. In addition, where pavers are being used, the installation shall also meet the same engineering and design.
e. The fire department turnaround adjacent to Lot No. 41 shall be redesigned to meet current standards. Applicant will need to contact the Fire Department to review this turnaround design.
f. Addressing of the buildings shall be in agreement with the Hayward Fire Department. All buildings shall have legible and visible address numbers installed so as to be visible from the street. Minimum address numbers and locations of address numbers shall be determined by the Hayward Fire Department.

WATER SUPPLY

g. Fire hydrants shall be installed at a 300 foot spacing throughout the development. Type

of fire hydrants shall be double steamers, capable of flowing 2250 GPM at 20 PSI for a 2-hour duration (with allowance granted 50% for fire sprinklers). The design and layout of the hydrants shall be reviewed and approved by the Fire Department prior to construction.

h. Blue reflective pavement markers shall be installed at fire hydrant locations.
i. If fire hydrants are located so as to be subjected to vehicle impact, crash posts shall be installed around the fire hydrant(s).
j. Fire hydrants for the development shall be operational and in-service prior to the start of any combustible construction and /or storage of combustible construction materials.

BUILDING CONSTRUCTION

k. All buildings shown are three story structures, with an Occupancy classifications for the buildings of R-3. All townhome units shall be separated by a minimum one-hour construction, which includes the attic.
l. All buildings shall be reviewed by this office and the building department and additional construction requirements may be imposed at time of plan check.

FIRE PROTECTION

m. Each townhouse unit shall have an NFPA 13-D (Domestic) fire sprinkler systems installed with individual meters. Each townhome unit shall have fire sprinkler protection within the garage and attic areas.
n. Control valves for each fire sprinkler system shall be locked in the open position with a chain and breakaway type lock.
o. Each townhome unit shall have a local (exterior) alarm bell installed in an approved location and an interior alarm notification device that will activate upon fire sprinkler system waterflow.
p. If a building system includes over 100 heads, central station monitoring will be required for the fire sprinkler systems.
q. Single station smoke detectors shall be installed in each dwelling unit. Installation of the single station detectors shall meet the State of California Building Code and shall be hard wired electrically with battery back up. Single station smoke detectors need not be tied into the fire alarm system.

HAZARDOUS MATERIALS

40. Obtain an *Environmental and Health Based Clearance* from the State Department of Toxic Substance Control.

41. The developer shall provide an on-site qualified specialist to monitor for additional contamination. The qualified specialist shall be approved by the Hazardous Materials Office. If additional contamination is found during the demolition, grading or construction phases of the project, cease work and contact the Fire Department, Hazardous Materials Office.

Utilities

42. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC (phone) Company and local cable company regulations, including transformers.

43. All utilities, including water mains, located underneath decorative paving or "turf block" shall be encased in steel sleeves.

44. All surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the 6-foot-wide Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Hayward Fire Chief.

45. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

Landscaping and Irrigation

46. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans for all common areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance.*

47. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.

48. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy. Landscaping shall be designed and installed so that buildings can be finaled as a unit.

49. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.

50. Prior to the sale of any individual unit/lot, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair of all improvements shown on the approved plans.

51. A covenant or deed restriction shall be recorded requiring the Homeowners Association to properly maintain the common landscaping and street trees, and to replace any dead

or dying plant material (over 30% of the plant dead) within 15 days of first notification.

52. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.

53. Per the arborist's report prepared by Barrie D. Coate, dated April 2, 2003, trees 33 and 34 are Japanese Maples. If these trees cannot be protected in place, they shall be salvaged and relocated to an adjacent landscape area. The salvaged trees shall be shown on the approved landscape plans.

54. A separate tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect and the Tree Preservation Ordinance.

55. Prior to the issuance of a grading permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the condition of the trees.

56. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout the construction period and shall be maintained in a healthy condition throughout the construction period.

57. Trees 2, 3, 5, 28, and 29 are located on adjacent properties and the trees should be protected to the drip line where they extend over this project as noted and as recommended in the tree survey. Work within the dripline of these trees shall be done under the supervision of an arborist. Walls shall be designed to minimize the impact to these trees.

58. A permanent trellis with evergreen vines, or an upright evergreen shrub shall be planted between each set of garage doors.

59. Where trellis's are provided, lattice work or other permanent methods shall be provided to allow vines to climb on the trellis work. Plant material shall be placed so as to screen all utilities without obstructing house numbers, signs or other required visual cues.

60. Street Trees. Street trees shall be one for every 25 - 40 feet of frontage. The trees shall be 20 feet from the corner, 20 feet from a light pole and 5 feet from any utility. Trees shall be planted according to the City Standard Detail SD-122.

61. Parking areas shall include one 24-inch box tree for every 3 parking stalls. Parking lot trees shall be planted adjacent to the parking area and in the endcaps of all parking

areas. Groundcover plants shall also be provided. Planters shall be minimum six feet exterior, five feet interior width.

62. A minimum 10-foot wide landscape strip shall be provided in the common area along the property line abutting the railroad right-of-way. A minimum of one 15-gallon Sequoia sempervierens (Coast Redwood) shall be planted every 15 feet. Understory shrubs shall be planted between the trees to achieve a solid screen within 2 years. Patrhenocissus tricuspidata shall be planted on all walls at 10 feet on center.

63. A minimum on one 24-inch box tree with upright growth habit shall be planted in each private yard abutting the project perimeter.

64. The private yard or terrace of each unit shall be provided with a hose bib.

65. Planting wells, structural soil, and other methods shall be used to provide the required numbers of street trees for the site. The Landscape Architect designing the project landscaping shall be made aware of all overhangs, balconies, proposed bay windows, lighting or other obstructions for trees.

66. Minimum landscape areas shall be 5 feet in any direction. Screen all parking areas from the street and any residential windows with a 30-inch evergreen hedge. Use shrubs with a maximum mature height of 36 inches to avoid high maintenance.

Walls, Fences, Trellises and Entry Features

67. Walls and fences shall be designed with decorative features, which may include a molded cap, pilasters and finials.

68. All proposed retaining walls shall be constructed with decorative reinforced concrete.

69. Masonry walls, solid building walls, trash enclosures, and /or fences facing a street, driveways or rails shall be buffered with continuous shrubs or vines.

Dedications, Easements and Encroachment Permits

70. The final map shall reflect:

    a. Dedication of a utility easement (PUE) abutting the internal private streets. The location and width of these easements shall be determined by the City Engineer.

    b. All easements needed to accommodate the public portions of the sanitary sewer and water systems that are outside of the private street areas. The easements shall be a minimum of 12 feet wide.

    c. Dedication of the subdivisions interior private street system shall be offered to the City.

71. Prior to the approval of the final map, all documents that need to be recorded with the final map, shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

Subdivision Agreement

72. Execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

Conditions, Covenants, and Restrictions

73. Prior to the sale of any individual unit, or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities.

74. Prior to the sale of any individual unit, or prior to the acceptance of site improvements, the applicant/developer shall establish a homeowners' association, and prepare project CC&R's for the development which shall be reviewed and approved by the Planning Director and City Attorney and include the following conditions:

    a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of related expenses.

    b. The Homeowners Association shall be responsible for maintaining the interior private streets, which includes decorative paving and the street lighting fixtures. If utility repair underneath the decorative pavement becomes necessary, the homeowners association will be responsible for replacing the decorative paving.

    c. A reserve fund shall be maintained to cover the costs of replacement and repair.

    d. The association shall be managed and maintained by a professional property management company.

    e. Provisions for towing unauthorized vehicles from the site

    f. A requirement that a Architectural Review Committee be established to review and approve all exterior improvements; including fences, walls or changes to individual homes to ensure consistency with the CC&Rs.

    g. The site shall be maintained in good repair, and free of debris at all times. Any trash receptacles within the common or open space, or group facilities shall be emptied on a regular basis, at least weekly. Trash receptacles shall be maintained in a good and clean condition.

h. A requirement that the building exteriors and walls shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 48 hours of inspection or within 48 hours of notification by the City's community Preservation Officer.

i. The homeowners' association shall maintain the irrigation system and maintain the landscaping in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within 10 days.

j. Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association per Section 10-3.385 of the Subdivision Ordinance.

k. All trees shall be preserved in accordance with the Tree Preservation Ordinance; a tree removal permit is required prior to the removal of any tree.

l. Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.

m. Each resident shall participate in the City's recycling program.

n. Trash and recycling bins shall be stored in designated areas located within individual garages at all times with the exception of designated collection days.

o. The garage of each unit shall be maintained for off-street parking and shall not be converted to living or storage areas.

p. Open parking spaces, garages, and driveways shall not be used to store recreational vehicles, such as motor homes, camper shells or boats and trailers.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

75. Required water system improvements shall be completed and operational prior to the start of combustible construction.

76. A minimum 24-foot-wide all-weather access road, engineered for 50,000 pound gross vehicle weight, shall be maintained for emergency vehicle access and fire hydrants shall be installed and operational prior to the start of combustible construction and storage of combustible materials on site.

DURING CONSTRUCTION

77. The following control measures for construction noise, grading and construction activities

shall be adhered to, unless otherwise approved by the Director of Community and Economic Development/Planning Director or City Engineer:

a. Grading and construction activities shall be limited to the hours 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays;

b. Grading and construction equipment shall be properly muffled;

c. Unnecessary idling of grading and construction equipment is prohibited;

d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;

e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;

f. The developer shall participate in the City's recycling program during construction.

g. Daily clean up of trash and debris shall occur on Grand Street and Sutro Street;

h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;

i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;

j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;

k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;

l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);

m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).

n. Gather all construction debris on a regular basis and place them in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;

o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;

p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;

q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.

r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;

s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;

t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See *"Building Maintenance/Remodeling"* flyer for more information;

u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and

v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.

78. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.

79. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

80. The applicant/developer shall pay the following fees;

a. Supplemental Building Construction and Improvement Tax;

b. School Tax; and

c. Park Dedication in-lieu fees for each unit. The amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits.

d. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.

81. A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202.

82. Prior to granting occupancy, water services shall be installed by City crews at the developer's expense. The application for water services shall be presented to the City Inspector.

83. Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.

84. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

85. The street light electroliers shall be in operating condition as approved by the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

86. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

87. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.

88. The improvements associated with the Pacific Gas and Electric Company, Pacific Bell Company and local cable company shall be installed to the satisfaction of the respective companies.

89. The subdivider shall submit an "as built" plan indicating the following:

a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, Pacific Bell facilities, TCI, etc;

and;

b. All the site improvements, except landscaping species, buildings and appurtenant structures.

CONDITIONS OF APPROVAL
USE PERMIT, SITE PLAN REVIEW & EXCEPTION APPLICATION NO. 2003-0114
Pulte Homes, Applicant

1. The use permit, site plan review and variance approvals are void 24 months after the effective date of approval unless either a building permit has been issued or a building permit application has been submitted for processing and said application has not expired. If a building permit is issued, the use permit, site plan review and variances are void two years after the issuance of the building permit, or three years after approval of the applications, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the conditional use permit approval.

2. All improvements shown on Exhibit "A" shall be installed prior to occupancy unless otherwise stated in the conditions below and with the following exception: a minimum 1200 square-foot meeting/recreation room shall be constructed near the northerly end of the property. To accommodate the structure, at least one dwelling unit shall be eliminated from one of the buildings identified as type "Building 13." The design of the room and its amenities shall be approved by the Planning Director prior to issuance of a building permit. At a minimum, interior improvements shall include fitness equipment, storage room(s) for folding chairs, chairs, sick and cabinets.

3. All aboveground utilities, mechanical equipment and trash enclosures shall be screened from view with shrubs. Any transformer shall be underground if located within the area visible from the main entry to the project off Dean Street.

4. The private yard and/or terrace of each unit shall be provided with a hose bib.

5. Decorative pavement sections (interlocking pavers) shall be installed within the vehicle entry areas of the project on Dean Street, and within major pedestrian crosswalks and entries within the project and shall serve as a decorative sidewalk that extends to Grand Terrace Phase I. The pavers shall be a different color within the raised arched center of the pattern.

6. The following fences, walls, gates and trellis requirements shall be met:

   a. Walls and fences shall be designed with decorative features, which may include a molded cap, pilasters and finials.

   b. All proposed retaining walls shall be constructed with decorative reinforced concrete, the design of which shall first be approved by the Planning Director.

   c. A decorative 6-foot high masonry or pre-cast wall between decorative finial topped pilasters shall be placed along the Jackson Street property frontage.

d. A 6-foot-high "good neighbor" fence of good quality shall be installed along the westerly property line, the design of which shall be approved by the Planning Director prior to issuance of a building permit.

e. Pedestrian/bicycle access shall be maintained between Grand Terrace Phase I and Grand Terrace Phase II and a perpetual access shall be recorded against the property to insure pedestrian/bicycle access to the pedestrian gates along D Street. The pathway shall be of a decorative material approved by the Planning Director.

f. Prior to occupancy of the project a pre-cast-concrete or masonry sound wall reaching to a height of Elevation 105, or at least 10 feet high, whichever results in the taller wall, shall be erected on the easterly property lines contiguous with the railroad right-of-way, with space available on the easterly side of the wall to allow for vine plantings. The design of the wall shall be approved by the Planning Director. Access to maintain the easterly side of the wall shall be provided and proof to that effect shall be provided before issuance of a grading permit.

7. The following shall be met to assure compliance to noise and vibrations standards:

   a. The building permit plans shall comply with the recommendations of the *Noise Survey Results and Preliminary Acoustical Recommendations* prepared by Charles Salter Associates dated 05.16.03.

   b. All kitchen and bathroom exhaust fans are to be fitted with acoustically absorbent linings and rooftop-mounted vents are to be oriented with their openings facing away from the noise sources.

   c. All exterior second floor patios facing the BART/railroad tracks will be fitted with hinged, glazed plexi-glass covers.

   d. To reduce vibration amplification on other than first floors, the structure of the homes should be stiffened. At the expense of the developer, a qualified vibration consultant shall be engaged to review the structural design and make necessary recommendation to reduce vibration. The recommendations of the vibration consultant shall be incorporated into the construction drawings and the buildings shall be constructed accordingly.

   e. The developer shall disclose in writing the high levels of noise produced by heavy rail line and rail traffic to potential buyers.

8. The project shall be maintained in good repair of all building exteriors, fencing, parking surfaces, landscaping, irrigation system, lighting, drainage improvements, trash enclosures, signs, etc.

9. No individual television or radio transmission or reception antennas shall be permitted; an television receiving devices shall be limited to a central cable television reception antenna or enclosed attic antennas or small (e.g. 18-inch) satellite dish.

10. One project identification sign and one project directory may be permitted at the main entry/exit driveway at the terminus of Dean Street. The signs shall conform to Sign Ordinance regulations. Sign design, colors, and materials shall reflect the architectural style of the project and shall be approved by the Planning Director.

11. The Planning Director shall approve all building materials and colors, as well as required modifications to the structures. The buildings shall incorporate several combinations of related color schemes to break up and differentiate between the different structures and shall be generally more striking and varied than in Grand Terrace Phase I.

12. Roofing material shall be a high quality composition shingle with a thick butt and shall be Class "C" or better, and more than one roof color shall be incorporated into the project. The design of the roofs shall be consistent with roofline articulation of Grand Terrace Phase I roofs.

13. Canvas awnings shall consist of a material that is resistant to dampness and solar decay. All awnings shall be maintained on a regular basis to prevent deterioration and shall be replaced on a timely basis when needed. The material and colors shall be approved by the Planning Director prior to issuance of a building permit.

14. Lighting shall be provided in the tenant and visitor's parking areas, group open space areas, and along the project roadways. The type of lighting fixtures and location shall be those used in Grand Terrace Phase I. All on-site exterior lighting shall be shielded and deflected away from neighboring residential properties. Pole lighting shall not exceed 16 feet in height.

15. Mechanical equipment, such as air conditioners, shall be prohibited on the roof. Roof apparatus, such as vents, shall be painted to match the roof. Air conditioners shall be placed only beneath the raised porches or, where this is not possible, they shall be screened with a decorative screen approved by the Planning Director before installation. A provision of the homeowners' association will require approval of the screening devices for air conditioners.

16. Above ground utilities and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen.

17. The final vesting map shall be filed and approved by the City and recorded in the County Recorders Office prior to the issuance of a Certificate of Occupancy of any unit.

18. This permit is tied to Vesting Tentative Map Tract 7440 and all conditions of approval of that map shall apply to this approval also.

19. A detailed grading and drainage plan shall be submitted for the review and approval of the City Engineer. A storm drainage system shall be provided that conveys storm water runoff into facilities of the City or Alameda County Flood Control District. Roof drainage shall be connected into the on-site drainage system.

20. A detailed soils report, analyzing soil and fill expansion and liquefaction potentials, soil preparation, grading and building foundation designs shall be submitted for review and approval of the City Engineer.

21. Parking stall dimensions shall conform to the City's Off-street Parking Ordinance.

22. Twenty-one visitor-parking spaces shall be designated, marked and maintained for visitors' parking. Small car spaces shall be clearly marked. These spaces shall be distributed throughout the project as indicated on "Exhibit A". The parking lot tree on the northeasterly side of the property shall be relocated toward the center of the parking strip.

23. All roadways, pathways and sidewalks within the project shall meet minimum City standards for private streets within a townhouse project and shall be approved by the Planning Director and City Engineer.

24. A traffic regulatory sign program shall be submitted to the Transportation/Development Manager for review and approval prior to the issuance of the certificate of occupancy. The beginning of the private street within the project at terminus of Dean Street shall be posted with signage that reflects the private street status and that the internal street system is not a public thoroughfare.

25. Hose bibs shall not be located in close proximity to parking areas within the project unless they are specially keyed to prevent tenants from washing their vehicles within the confines of the development. If washing of vehicles within the project is desirable, such activity shall be limited to an area that is roofed and drained to the sanitary sewer and the area graded to prevent any other water from entering the drain.

26. An automatic garage door opening mechanism shall be provided for all garage doors and shall be maintained in working order.

27. The developer (project proponent) shall be responsible for payment of all required fees, including but not limited to Hayward Unified School District tax, Park In-Lieu Fees, and Supplemental Building, Construction and Improvement tax.

28. The project shall comply with and observe the Security Ordinance.

29. Mailboxes shall be grouped within covered decorative shelters that provide adequate area for storage of larger parcels and a receptacle for trash. The design, material and color of these structures shall be consistent with the overall project design theme and shall be approved by the Planning Director.

30. Mailboxes shall be located is an attractive enclosure, and the design and location of the mail boxes shall be approved by the Planning Director prior to issuance of a building permit.

31. A decorative archway shall be constructed as a backdrop to the group open space areas between buildings. The design and placement shall be approved by the Planning Director prior to issuance of a building permit.

32. Group open space areas shall include amenities equipment suitable for a range of ages. The design and location of the equipment and amenities shall be approved by the Planning Director prior to approval of a building permit.

33. The developer shall pay all applicable City fees associated with obtaining building permits. Any fees owing the City for project review shall be paid prior to acceptance of a building permit application. The Park In-Lieu fee requirement shall be that in effect on May 22, 2003, which is $1500 per dwelling unit, or one-half the amount required for a single-family dwelling (attached).

34. This use permit is void 24 months after the effective date of approval unless a building permit has been accepted for processing and has not expired. If a building permit is issued for construction of improvements authorized by the conditional use permit approval, the conditional use permit approval shall be void two years after issuance of the building permit, or three years after approval of the conditional use permit application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the conditional use permit approval.

16 May 2003

Daniel Carroll
Pulte Home Corporation
7031 Koll Center Parkway, Suite 150
Pleasanton, CA 94566
Fax 925/485-0391

Subject: **Grand Terrace II, Hayward, Environmental Noise Analysis–Acoustical Consulting**
DRAFT REPORT
CSA Project No. 03-0199

Dear Daniel,

As requested, we have conducted an environmental noise study for this project. The purpose of the study is to quantify the noise environment at the project site, compare the noise environment with applicable State and City standards, and propose mitigation measures as necessary.

1.0 ACOUSTICAL CRITERIA

1.1 State of California

The State's Noise Insulation Standards (California UBC Chapter 1208A) requires that new multi-family residential projects achieve an indoor L_{dn}[1] of 45 dB or less due to exterior sources. This requirement is applied to existing or future noise conditions. The State Building Code further specifies that if windows need to be closed to meet the indoor noise goal, then a system for providing a habitable interior environment (e.g. air-conditioning) must be included in the design. The ventilation system must not compromise the noise reduction of the exterior façade.

[1] Day-Night Average Sound level (L_{dn})--The A-weighted noise level, which corresponds to average human sensitivity to sound. The DNL sound level corresponds to an energy average during a 24-hour period. A 10-decibel penalty is applied during the hours of 10 pm to 7 am due to increased human sensitivity during the night. An A-weighting is applied to the microphone signal to approximate human sensitivity to different frequencies, i.e., pitch.

1.2 City of Hayward

The City of Hayward General plan contains a Noise Element, which identifies the following goals for outdoor and indoor spaces:

Outdoor Use Areas
L_{dn} less than 65 dB: "normally acceptable[2]"
L_{dn} between 60-70 dB: "conditionally acceptable[3]"
L_{dn} between 70/75 dB: "normally unacceptable[4]"

Indoor noise
L_{dn} of 45dB: "normally acceptable"
The City's indoor criterion is consistent with the State's standards.

2.0 Existing Noise Environment

The project site is located west of Jackson Street and south of the BART rail line in the City of Hayward. To quantify the existing noise environment two 96-hour continuous noise measurements and eight 15-minute measurements at the project site on may 9 2003 (See Figure 1). The measurements were made at various locations throughout the site to represent sound levels at the proposed residential setbacks. Based on our measurements the dominant noise source is vehicular traffic along Jackson Street. Bart pass-bys and traffic along D Street also contribute to the noise environment. Based on our measurements the project site is exposed an existing noise level of L_{dn} 58 to 72 dB depending on the setback and exposure to surface streets and BART. Table 1 summarizes the results of the field measurements.

Table 1 – Existing Noise Measurements

Site	Location	Date/ Start Time	L_{10} (dB)	L_{33} (dB)	L_{50} (dB)	L_{90} (dB)	L_{EQ} (dB)	L_{dn} (dB)
A	20 feet south of the W.P.R.R. tracks, 12 feet above grade.	9 May 2003 3:00 p.m.	--	--	--	--	--	65
B	90 feet south of the W.P.R.R tracks, adjacent to Jackson Street (hwy-92 east), 12 feet above grade	11 May 2003 3:00 p.m.	--	--	--	--	--	74

[2] Normally Acceptable -- Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special insulation requirements.
[3] Conditionally Acceptable -- New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

[4] Normally Unacceptable -- New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Table 1 – Continued

C	Jackson Street at proposed residential setback 5 feet above grade	11 May 03 11:50 – 12:05pm	70	67	65	57	67	69*
D	Jackson Street at proposed residential setback 18 feet above grade	11 May 03 11:50 – 12:05pm	73	70	68	59	69	72*
E	Proposed North outdoor use area 5 feet above grade	11 May 03 12:30 – 12:45pm	51	49	47	44	51	58*
F	Proposed North outdoor use area 18 feet above grade	11 May 03 12:30 – 12:45pm	54	52	50	47	58	60*
G	Southern property line 5 feet above grade	11 May 03 1:05 – 1:20pm	54	43	41	39	55	57*
H	Southern property line 18 feet above grade	11 May 03 1:05 – 1:20pm	56	48	47	45	56	59*
I	West property line 5 feet above grade	11 May 03 1:40 – 1:55pm	60	49	47	43	61	60*
J	West property line 18 feet above grade	11 May 03 1:40 – 1:55pm	63	51	49	46	63	62*

*- Estimated DNL based on simultaneous measurements at 24 hour monitor locations

3.0 Future Noise Environment/Mitigation

The largest contributing noise variable is future activity of the Western Pacific Rail Road (WPRR) line north of the project. The WPRR is parallel to the project site between the project and the existing BART line. Per our discussion with the City of Hayward, this section of rail may become active once a grade crossing east of the project is completed[5]. We understand there are no immediate timelines for the completion of this work and the WPRR may not be ever be utilized. For the purpose of this study we have assumed 7 train pass-bys (5 daytime and 2 nighttime). We understand there is no crossing within 200-hundred feet of the project site. Therefore, we have assumed no train horn blasts directly in front of the project site. To determine noise levels of a train pass-by we have re-analyzed data from other train studies, including an environmental noise study prepared for a site near the Grand Terrace project while the WPRR was active[6]. We have assumed a factor of safety to account for speed and train variations.

For the purposes of this report, we have assumed that vehicular traffic would increase 25-percent in the future. This future change corresponds to a one-decibel increase in the noise level Because of the uncertainty of the WPRR we have analyzed the project with and without the WPRR to meet State and City standards.

3.1 With Trains

3.1.1 Outdoor Noise

Based on our measurements the noise level with train pass-bys is expected to range from an L_{dn} 68 dB at the northern outdoor use area (along W.P.R.R) and an L_{dn} 71 dB at the eastern outdoor use area (along Jackson Street).

To meet the City's outdoor noise goals of an L_{dn} 65 dB, a 10-foot high noise barrier above the existing grade (95 foot elevation) is required along the property line between the W.P.R.R and the subject project (see Figure 2). A 6-foot barrier is required along the southern property line between the outdoor use areas and Jackson Street (see Figure 2). The barrier height includes an adequate safety factor for any potential noise increase due to sound reflections. The wall must have a minimum surface weight of 3-lbs/square foot and have no visible gaps or cracks at the base or connections. Typical noise barriers are made of earthen berms, wood, concrete or steel.

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[5] Meeting with City of Hayward and Pulte Homes 7 May 2003. Per Dyana Anderly, planning manager, the City estimates that the W.P.R.R. will have up to seven trains per day, including two trains during nighttime hours between 10:00 p.m. and 7:00 a.m.

[6] Orchid Walk information

3.1.2 Indoor Noise

To meet the City and State's Indoor Noise goal of L_{dn} 45 dB, sound rated (STC[7]) windows will be required. The ratings range would be as high as STC 37. Figures 2 and 3 show the sound window ratings and locations. All other windows not specified in Figures 2 and 3 do not require sound rated assemblies.

3.2 Without Trains

3.2.1 Outdoor Noise

Based on our measurements the noise level without train pass-bys is expected to range from an L_{dn} 62 dB at the northern outdoor use area (along BART) and an L_{dn} 71 dB at the eastern outdoor use area (along Jackson Street).

To meet the City's outdoor noise goals of an L_{dn} 65 dB a 6-foot barrier is required along the southern property line between the outdoor use areas and Jackson Street (see Figure 2).

3.2.2 Indoor Noise

To meet the City and State's Indoor Noise goal of L_{dn} 45 dB, sound rated (STC[8]) windows will be required. Figures 4 and 5 show the sound window ratings and locations. All other windows not specified in Figures 4 and 5 do not require sound rated assemblies.

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[7] Sound Transmission Class (STC) — A single number used to compare walls, floor/ceiling assemblies and doors for their sound insulating properties with respect to speech and small household appliance noise.

[8] Sound Transmission Class (STC) — A single number used to compare walls, floor/ceiling assemblies and doors for their sound insulating properties with respect to speech and small household appliance noise.

4.0 Vibration

The City and State does not have specific criteria for vibration. In the absence of these criteria, we are providing the following comments for your consideration.

Due to the inactivity along the W.P.R.R., vibration measurements could not be performed. To address this issue we have peer reviewed the Illingworth & Rodkin report prepared on 27 March 2003. This report predicts that heavy freight along the W.P.R.R. could induce ground borne vibration levels up to 78 VdB. This estimate is based on their experience with similar projects.

The Federal Transit Administration (FTA) suggests that the ground-borne vibration velocity should not exceed 80 dB for infrequent events (less than 70 train pass-bys per day) and 72 dB for frequent events (greater than 70 per day) to minimize potential vibration impacts.

Although the Illingworth & Rodkin report would be within the guidelines established by the FTA, train vibration can vary depending on the number of engines, cars, speed, load and distance of receivers from tracks. This variation could generate feelable vibration in houses closest to the railroad tracks. To reduce vibration amplification on second floors, you should consider stiffening the structure of these houses. A qualified vibration consultant can review the structural design and make the necessary recommendations. In addition, prospective tenants should be made aware of this issue through a full disclosure statement.

* * *

This concludes our comments on the subject project. If you have any questions, do not hesitate to call.

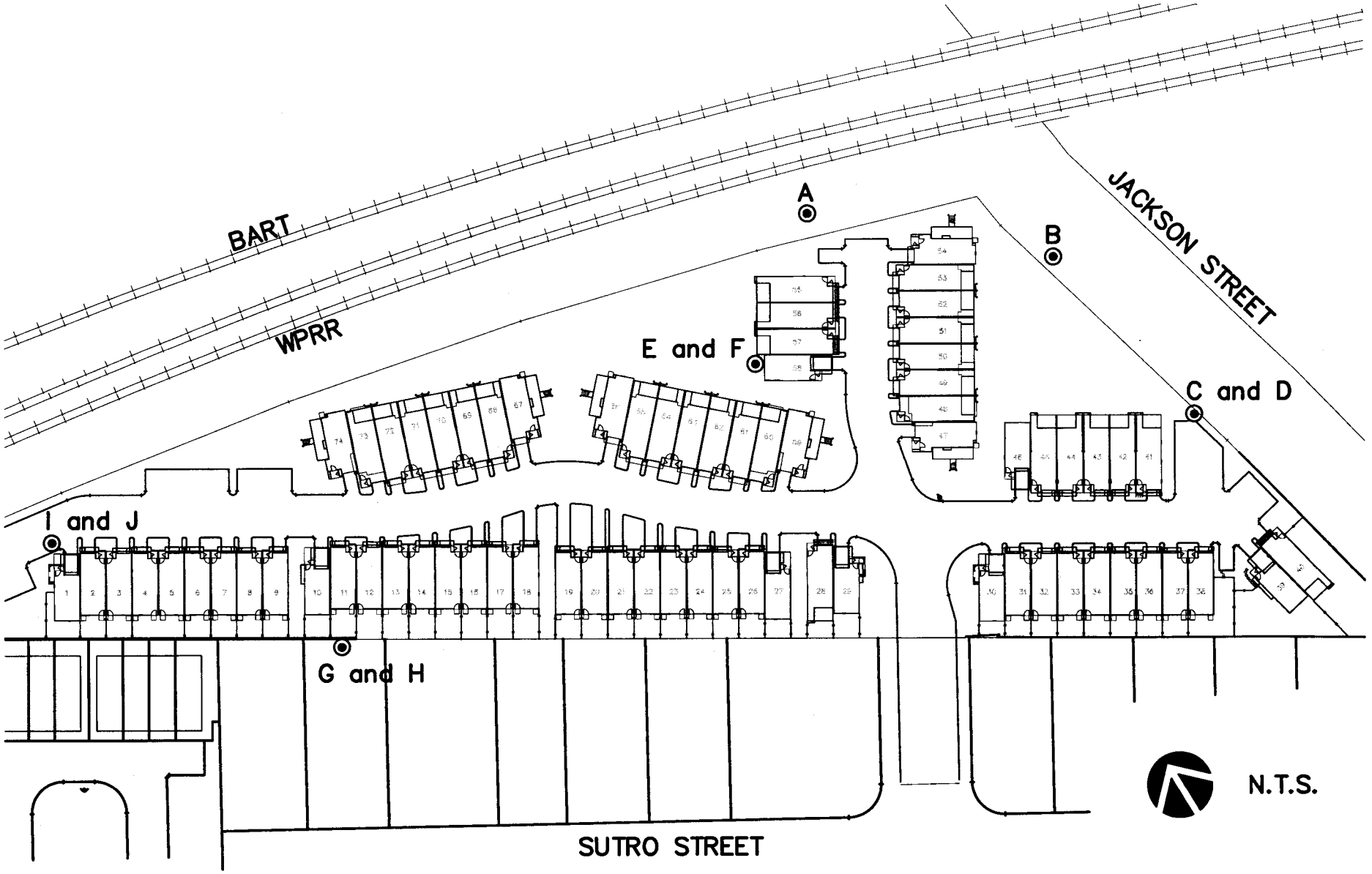
Sincerely,

CHARLES M. SALTER ASSOCIATES

Eric A. Yee
Senior Consultant

Robert P. Alvarado
Principal Consultant

Charles M Salter Associates Inc 130 Sutter Street San Francisco California 94104 Tel: 415 397 0442 Fax: 415 397 0454

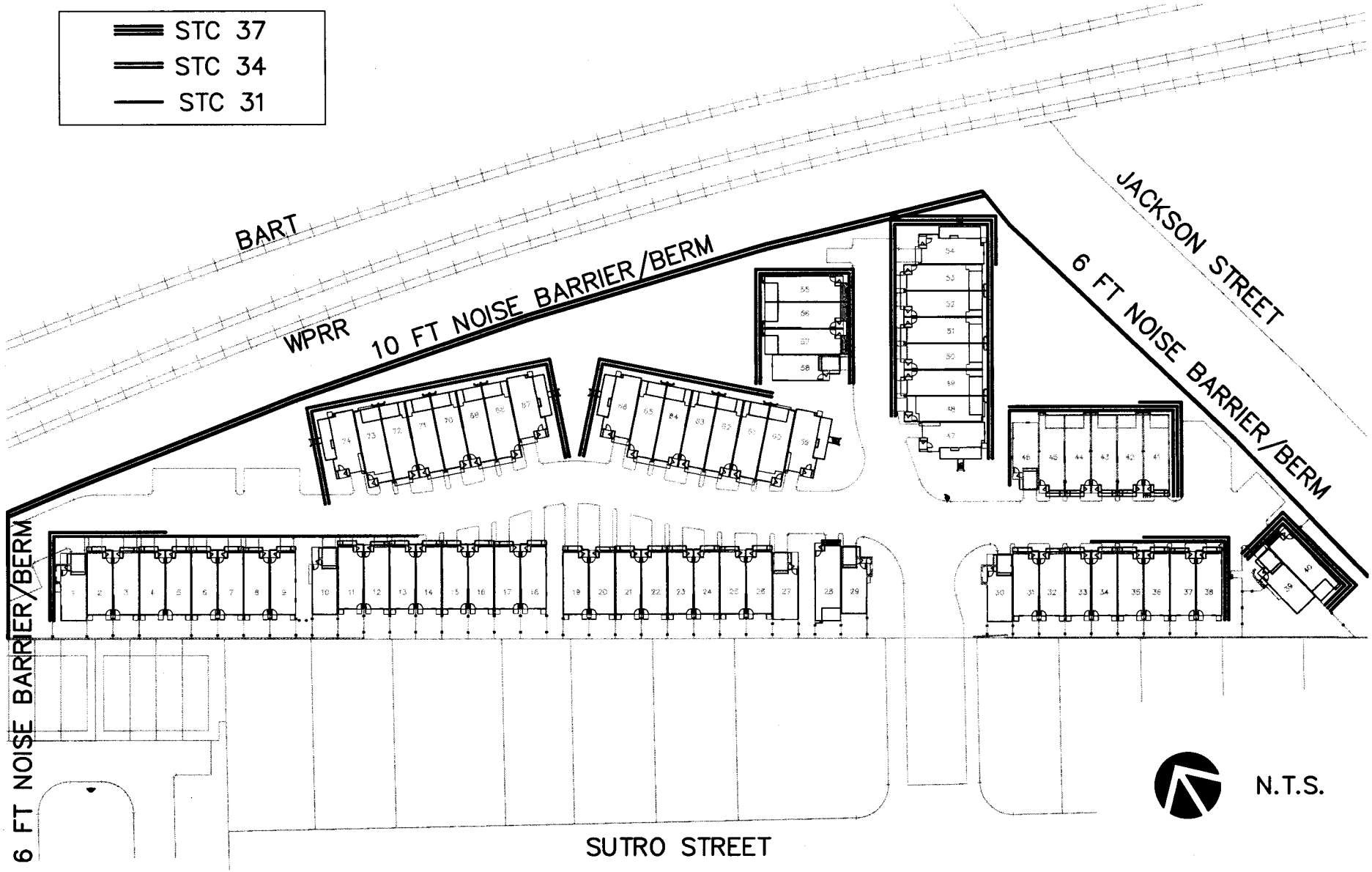


NOISE MEASUREMENT LOCATIONS

FIGURE 1

122BASE-A2_051603 EAY
03-0088 05.16.03

Charles M Salter Associates Inc 130 Sutter Street San Francisco California 94104 Tel: 415 397 0442 Fax: 415 397 0454

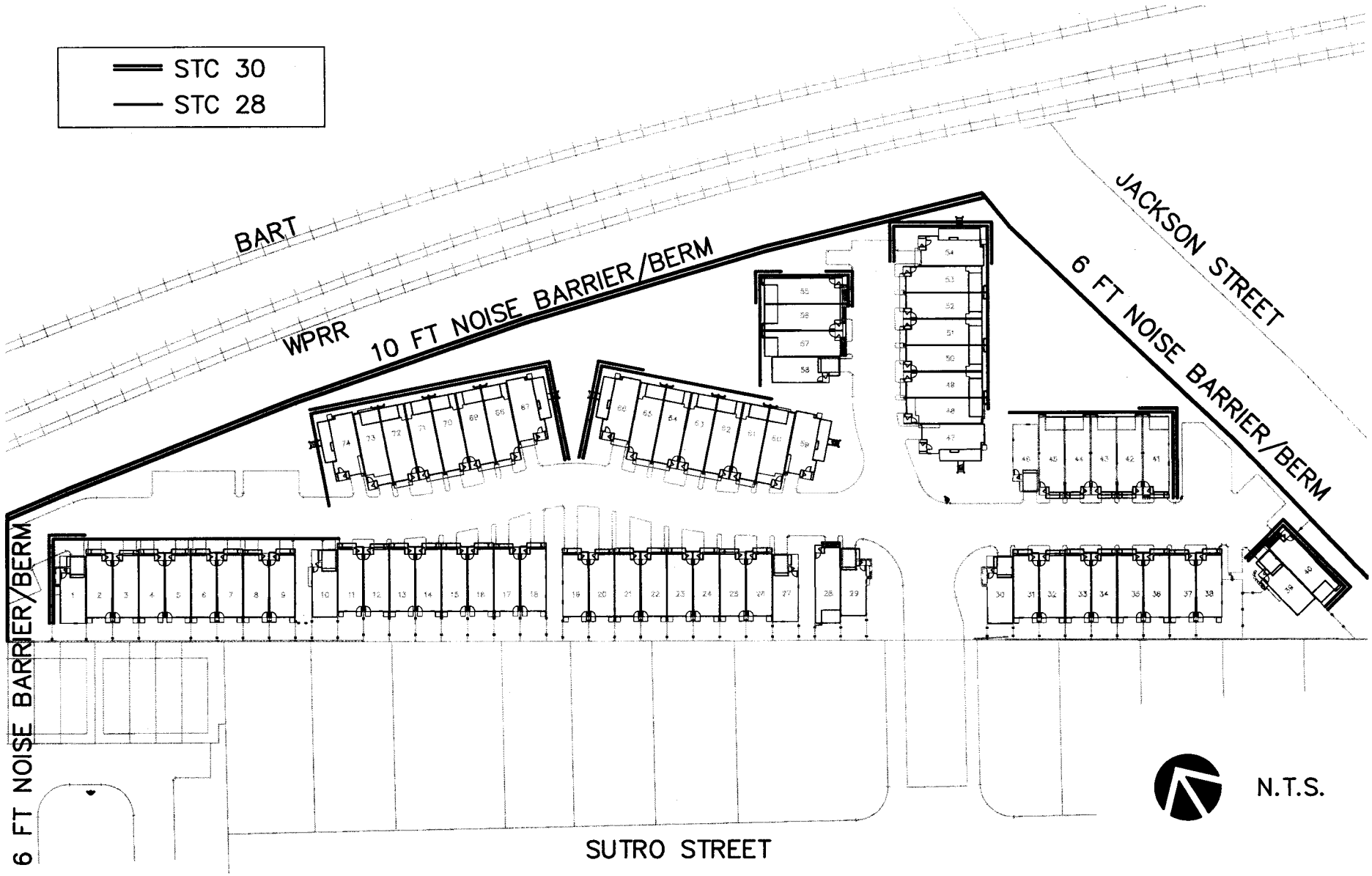


SECOND FLOOR MINIMUM STC RATING RECOMMENDATIONS WITH W.P.R.R. TRAIN

FIGURE 2

122BASE-A2_051603 EAY
03-0088 05.16.03

Charles M Salter Associates Inc 130 Sutter Street San Francisco California 94104 Tel: 415 397 0442 Fax: 415 397 0454

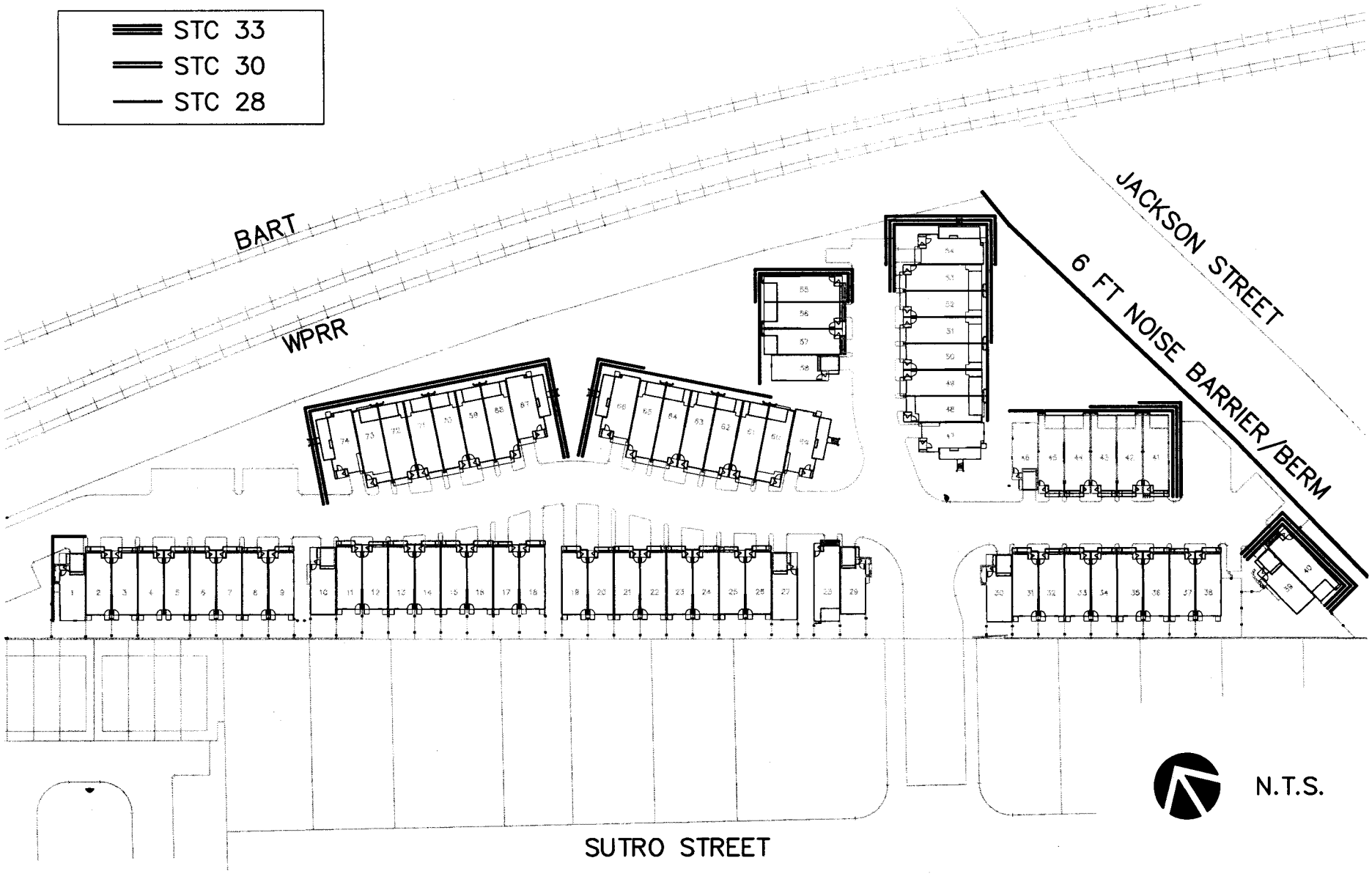


FIRST FLOOR MINIMUM STC RATING RECOMMENDATIONS WITH W.P.R.R. TRAIN

FIGURE 3

122BASE-A2_051603 EAY
03-0088 05.16.03

Charles M Salter Associates Inc 130 Sutter Street San Francisco California 94104 Tel: 415 397 0442 Fax: 415 397 0454

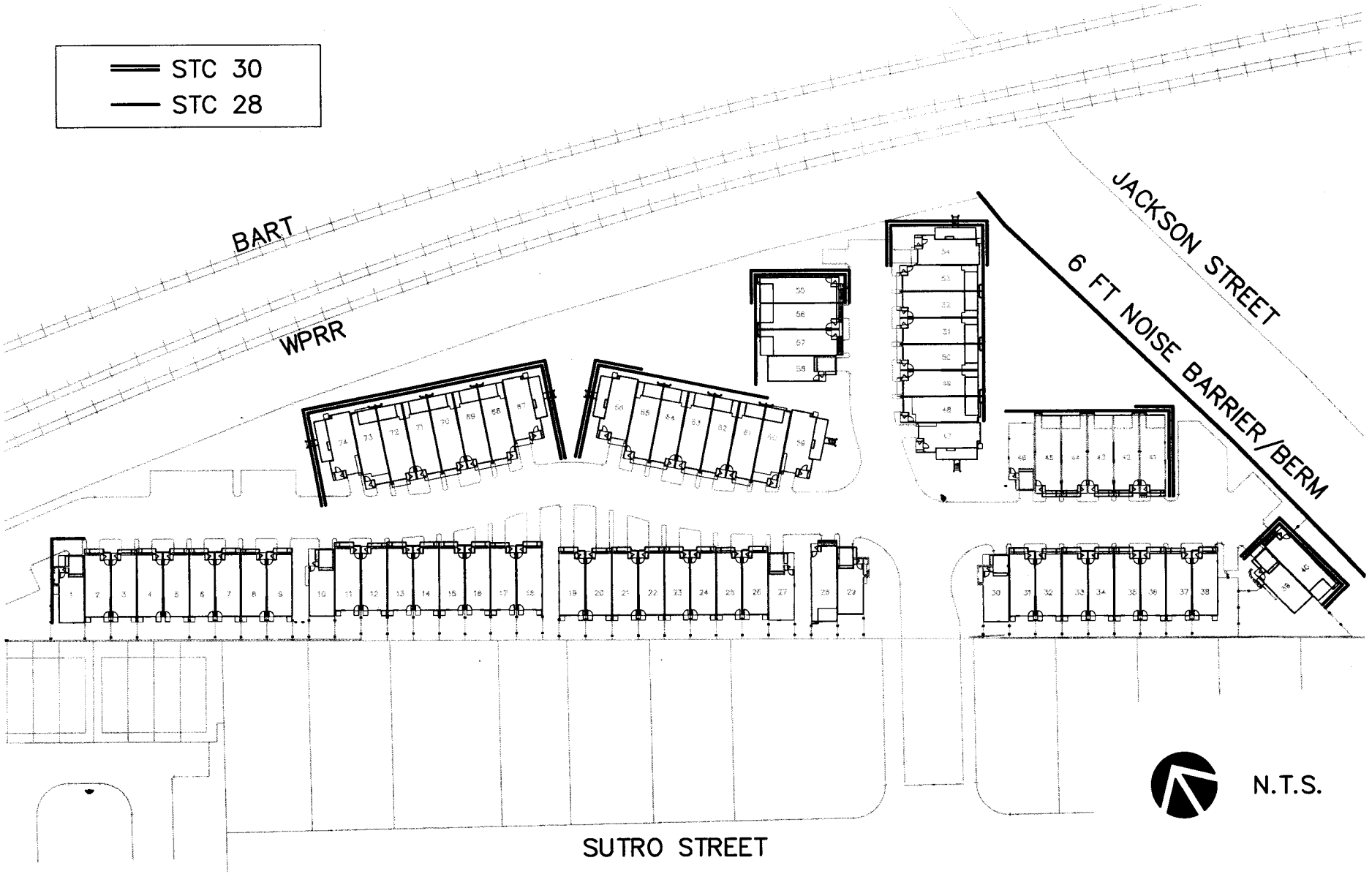


SECOND FLOOR MINIMUM STC RATING RECOMMENDATIONS WITHOUT W.P.R.R. TRAIN

FIGURE 4

122BASE-A2_051603 EAY
03-0088 05.16.03

Charles M Salter Associates Inc 130 Sutter Street San Francisco California 94104 Tel: 415 397 0442 Fax: 415 397 0454



FIRST FLOOR MINIMUM STC RATING RECOMMENDATIONS WITHOUT W.P.R.R. TRAIN

FIGURE 5

122BASE-A2_051603 EAY
03-0088 05.16.03